

ESTTA Tracking number: **ESTTA549858**

Filing date: **07/23/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Your City Sampler, LLC		
Entity	limited liability company	Citizenship	Missouri
Address	105 E. 5th Street, Suite 401 Kansas City, MO 64106 UNITED STATES		

Attorney information	Clinton G. Newton Shook, Hardy & Bacon LLP 2555 Grand Blvd Kansas City, MO 64108 UNITED STATES cnewton@shb.com, adobrien@shb.com, tdunkin@shb.com, bhoward@shb.com Phone:816-474-6550
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Registration Subject to Cancellation

Registration No	3379305	Registration date	02/05/2008
Registrant	The Benevolink Corporation 1040 Crown Pointe Parkway Suite 545 Atlanta, GA 30338 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2004/06/16 First Use In Commerce: 2004/06/16 All goods and services in the class are cancelled, namely: Promoting the sale of goods and services of others through the administration of loyalty marketing programs; business marketing consulting services
Class 036. First Use: 2004/06/16 First Use In Commerce: 2004/06/16 All goods and services in the class are cancelled, namely: Philanthropic charitable fundraising services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	MISSOURI- #5764491-v1-Cancellation_Statement_of_Grounds_for_cited_mark.pdf(90059 bytes) GA SoS record.pdf(109598 bytes) Withdrawal of Attorney - 78450710.pdf(6606 bytes) Internet search.pdf(96691 bytes) Internet search 2.pdf(99497 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew D. O'Brien/
Name	Andrew D. O'Brien
Date	07/23/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of U.S. Trademark Registration No. 3,379,305

Registration date: 2008-02-05

For the mark: FUNDRAISING MADE SIMPLE

YOUR CITY SAMPLER, LLC)	
)	
Petitioner,)	
)	
vs.)	Cancellation
)	Proceeding No. _____
THE BENEVOLINK CORPORATION)	
)	
Respondent.)	
)	

CANCELLATION PETITION

COMES NOW, Your City Sampler, LLC, a limited liability company duly organized under the laws of the State of Missouri and having its principal office and place of business at 105 E. 5th Street, Suite 401, Kansas City, Missouri 64106 (hereinafter “Petitioner”), believes that it has been and will continue to be damaged by Registration No. 3,379,305 and hereby Petitions to Cancel same. To the best of Petitioner’s knowledge, the name and address of the current owner of Registration No. 3,379,305 is The Benevolink Corporation, a Delaware corporation, with a last known principal place of business at 1040 Crown Pointe Parkway, Suite 545, Atlanta, Georgia 30338.

The grounds for cancellation are as follows:

1. On September 27, 2012 Petitioner filed application serial no. 85/740,520 for registration of the mark FUNDRAISING MADE SIMPLE for the services set forth therein. The FUNDRAISING MADE SIMPLE mark has been in actual and continuous use in conjunction with these services in interstate and intrastate commerce up to the present time. Furthermore,

Petitioner is now using and will continue to use the FUNDRAISING MADE SIMPLE mark in conjunction with said services.

2. In an Office Action dated January 23, 2013, the Examiner refused registration of application serial no. 85/740,520 for the mark FUNDRAISING MADE SIMPLE claiming a likelihood of confusion with the mark in Registration No. 3,379,305.

3. According to the online records for the Georgia Secretary of State's office, The Benevolink Corporation, the owner of Registration No. 3,379,305, was dissolved in 2008. See enclosed copy of web page.

4. According to the Trademark Status & Document Retrieval record for Registration No. 3,379,305, the attorney of record withdrew in 2011 stating his client "has been unresponsive . . . and delinquent in payment of invoices." See enclosed copy of Withdrawal of Attorney.

4. An internet search for use of the mark shows no current use or use since at least 2010. See enclosed copies of web pages of search results.

5. By reason of nonuse with intent not to resume use, and nonuse for three consecutive years, Registration No. 3,379,305 is prima facie abandoned.

WHEREFORE, Petitioner prays that the Registration No. 3,379,305 dated February 5, 2008 be cancelled. The required fee of \$600 (for two international classifications) is being electronically submitted concurrently herewith.

Please direct all correspondence in conjunction with this matter to attorneys for Petitioner at the address given below.

Respectfully submitted,

July 23, 2013

/ANDREW D. O'BRIEN/
Andrew D. O'Brien, MO Bar #57565
adobrien@shb.com

SHOOK, HARDY & BACON, L.L.P.
2555 Grand Blvd
Kansas City, MO 64108-2613
Tel:(816) 474-6550
Fax:(816) 421-5547
YCYS.175055

ATTORNEYS FOR PETITIONER YOUR CITY SAMPLER, LLC

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the present **Cancellation Petition** was filed electronically with the Trademark Trial and Appeal Board on July 23, 2013.

/ANDREW D. O'BRIEN/

Andrew D. O'Brien

CERTIFICATE OF SERVICE

I hereby certify that a copy of the present **Cancellation Petition** was served by first class mail to the following addresses on July 23, 2013, such being the correspondence addresses listed as of this date in the TSDR system for Applicant:

THE BENEVOLINK CORPORATION
1040 CROWN POINTE PARKWAY
SUITE 545
ATLANTA, GEORGIA 30338
UNITED STATES

/ANDREW D. O'BRIEN/

Andrew D. O'Brien


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THE BENEVOLINK FOUNDATION, INC. Control Number: 0322170

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Entity Info

Entity Id 199432

Key Indicators

Model Type Corporation
Locale Domestic
Qualifier Non-Profit
Business Name THE BENEVOLINK FOUNDATION, INC.
Registration Date 4/15/2003
Entity Status Admin. Dissolved
Entity Status Date 5/16/2008
Foreign Name
Date of Organization
State Georgia
Country

Principal Office Address

PRINCIPAL

Line1 1040 CROWN POINT, SUITE 545
Line2
City SMYRNA **State** Georgia **Zip** 30338

Agent

Is non-commercial Registered Agent? Yes
Name TUNSTALL P. RUSHTON

Address

Line1 1040 CROWN POINT, SUITE 545
Line2
City ATLANTA **State** Georgia **Zip** 30338
Email

Previous Names

Name Changed From	Name Changed To	Surviving Entity Id	Cancelled Entity Id	Effective Date	Due Date	File Number	Actions
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No Miscellaneous Filings were found.

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Withdrawal of Attorney

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78450710
MARK SECTION	
MARK	FUNDRAISING MADE SIMPLE
WITHDRAWAL OF ATTORNEY SECTION	
REASON TEXT	Client has been unresponsive to communications pertaining to applications and registrations. Client is delinquent in payment of invoices.
WITHDRAWAL STATEMENT	I have notified the applicant/registrant of my withdrawal from employment and the filing of this request for withdrawal with the USPTO.
WITHDRAWAL STATEMENT	I have delivered to the applicant/registrant all documents and property in any file concerning the application, registration, or proceeding to which the applicant/registrant is entitled.
WITHDRAWAL STATEMENT	I have notified the applicant/registrant of any response that may be due and the deadline for his/her response.
WITHDRAWAL STATEMENT	I have notified the applicant that if the application was filed under "TEAS Plus," any prior e-mail authorization will not continue and the applicant must provide the USPTO an e-mail address and authorize the USPTO to communicate via e-mail to retain "TEAS Plus" status.
WITHDRAWAL STATEMENT	I have given the applicant/registrant notice of my withdrawal from employment at least two (2) months prior to the expiration of the response period; OR, notice of my withdrawal from employment was not required because the applicant/registrant terminated representation when less than two (2) months remained in the response period.
CORRESPONDENCE SECTION	
	David L. May NIXON PEABODY LLP

ORIGINAL CORRESPONDENCE ADDRESS	401 9TH STREET, N.W., SUITE 900 WASHINGTON District of Columbia (DC) 20004-2128 US
NEW CORRESPONDENCE ADDRESS	
NAME	The Benevolink Corporation
STREET	1040 Crown Pointe Parkway
CITY	Atlanta
STATE	Georgia
POSTAL/ZIP CODE	30338
COUNTRY	United States
SIGNATURE SECTION	
SIGNATURE	/david l. may/
SIGNATORY NAME	David L. May
SIGNATORY DATE	11/29/2011
SIGNATORY POSITION	Attorney of record
SIGNATORY PHONE	202-585-8000
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Dec 01 08:42:59 EST 2011
TEAS STAMP	USPTO/WOA-208.255.90.221- 20111201084259689621-7845 0710-4906054d19d6e63a59c9 493348be4da30-N/A-N/A-201 11129081635941871

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FUNDRAISING MADE SIMPLE Trademark - By: The Benevolink ...

www.markhound.com > Categories > Advertising and business ▾

Trademark page for **FUNDRAISING MADE SIMPLE** created on July 14th, 2004 at the USPTO. This is a free trademark search site.

FUNDRAISING MADE SIMPLE - Reviews & Brand Information - The ...

www.trademarkia.com > ... > Advertising, Business & Retail Services ▾

This is a brand page for the **FUNDRAISING MADE SIMPLE** trademark by The **Benevolink** Corporation in Atlanta, GA, 30338. Write a review about a product or ...

Shop 'Til It Helps - FundRaising Success

www.fundraisinguccessmag.com/article/benevolink-lets...tie.../1 ▾

They can if the briefcase was purchased through **Benevolink**. ... a drop-down bar, whereupon they're launched into that store's Web site to **make** their purchases.

FUNDRAISING MADE SIMPLE by The Benevolink Corporation; | U...

www.trademarken.com/.../78450710?...FUNDRAISING_MADE_SIMPLE...

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40+ items - Word Mark **FUNDRAISING MADE SIMPLE**. Status 700 - ...

2004-07-22 NEW APPLICATION ENTERED IN TRAM.

2005-02-17 ASSIGNED TO EXAMINER.

Points of Light Foundation Welcomes Benevolink to "We Are Family ...

www.csrwire.com/.../16767-Points-of-Light-Foundation-Welcomes-Bene... ▾

Feb 15, 2007 - Partnership will provide nonprofit fundraising support and help ... The **Benevolink** platform also makes it **easy** for individuals to give their own ...

benevolink | trade.mar.cx search

trade.mar.cx/benevolink/ ▾

Search. Results 1-13 of 12 for **benevolink**. US76541843. **Benevolink** Corporation, The ... **FUNDRAISING MADE SIMPLE**. The **Benevolink** Corporation.

FUNDRAISING MADE SIMPLE Logo - The Benevolink Corporation ...

www.logosdatabase.com/logo/fundraising-made-simple_78450710 ▾

View complete details of **FUNDRAISING MADE SIMPLE** logo and pictures of **FUNDRAISING MADE SIMPLE** logos. Logos for editorial use are suitable to ...

Benevolink - Assignee Patent Directory, Page 1

patent.ipexl.com/assignee/Benevolink_1.html ▾

Directory of patents owned by **Benevolink** (3 patents): US20060122856 ... US 78450710 - **FUNDRAISING MADE SIMPLE** The **Benevolink** (February 2008).

Donor Partners « Humane Society of Southwest Missouri

www.swh.org/?page_id=1336 ▾

Benevolink.com - Support the Humane Society of Southwest Missouri while you **make** purchases at popular online retailers. Simply shop for ... It's **easy**, fast and fun! Register today at www.benevolink.com. Magazine **Fundraiser** - Purchase your favorite magazine subscriptions online and raise money for the pets in our care.

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[Romert: How to Raise Funds for the Tremoraction Network - Without ...](#)

romert.blogspot.com/2007/11/how-to-raise-funds-for-tremoraction.html ▾

Nov 30, 2007 - **Benevolink®** Giving **Made Simple!** Tremor Action ... If you are interested in a new alternative for online **fundraising**, take a look at GiveStream ...

[Smoke and Scales - The Governor's School](#)

www.gsgis.k12.va.us/document/.../06.../SmokeandScales11-28-06.html ▾

Nov 28, 2006 - Ukrops **Benevolink Fundraising** Deadline ... This is **simple** way to get gifts for everyone on your list (family, friends, teachers, ... DECORATIONS: Parents, please encourage your son or daughter to **make** a blue, white, or silver ...

[Donate - Humane Society of Southwest Missouri](#)

www.swh.org/09192011/site/donations.cfm ▾

Sep 19, 2011 - In Memory* - Gifts **made** in memory or honor of a loved one or pet, help thousands ... It's **easy** to do and a great way to ensure your continued influence on the welfare of ... **Benevolink.com** - Support the Humane Society of Southwest Missouri while ... Magazine **Fundraiser** - Purchase your favorite magazine ...

[SDMS Sound News, Volume 6, Issue 11](#)

www.sdms.org/lists/soundnewsvol6iss11.asp ▾

Nov 30, 2004 - SDMS Educational Foundation Giving **Made Easy** Through **Benevolink** ... are constantly challenged to meet **fundraising** goals without incurring ...

[Wired Fundraising: April Question of the Month Results - GuideStar](#)

www.guidestar.org ▸ News ▸ Articles ▸ 2007 ▾

We need to provide our donors with safe, secure, and **easy** ways to give on-line. ... Some of these programs **make** their services available to nonprofits for a fee. ... registered with **Benevolink** by purchasing from any of nearly 400 retailers.

[help - New Hope Rescue](#)

www.newhoperescueva.com/how_to_help.html

mind if you need to clean out last year's hay to **make** room ... We always need **fundraising** ideas. ... will soon be set up through Ukrop's **Benevolink** also. ... Patented Kuranda Dog Beds because they are durable, chew proof and **easy** to clean.

[\[PDF\] Northwest Trails - Oregon-California Trails Association](#)

www.octa-trails.org/chapters/northwest/newsletter/nwsltr_2006-3.pdf ▾

would have **made** about \$900 if everyone had used this system to ... Another **fundraising** source Camille told me about was ... <http://www.benevolink.com/main.aspx?page=SearchPartner>. ... database is **easy** to operate and is PC-based; it is.

[Fundraiser Mall / Mall Shopping Fundrasers / Fundraising Mall](#)

fundraiser-finder.com/fundraising-cat/fundraising-shopping-mall-2.php ▾

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www.kerusso.com/StartAChurchFundraiser

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[\[PDF\] HOSTING AN EVENT/SPECIAL EVENTS - AYUDA](#)

volunteers.ayudainc.net/site/DocServer/events_ayuda.pdf?docID=224 ▼

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